

REMARKS

The Office Action dated December 13, 2005, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claims 1, 9-14, 17-20 have been amended. The Applicant submits that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-6, 9-15 and 17-20 are pending in the present application.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary because it is made in reply to arguments raised in the rejection. Entry of the Amendment is thus respectfully requested.

Rejection of Claims 1-6, 9-15 and 17-20 under 35 U.S.C. § 103(a)

Claims 1-6, 9-15 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lanzillo, Jr., et al. (U.S. Patent Publication No. 2002/0032602 A1, hereinafter "Lanzillo, Jr.") in view of Scroggie et al. (U.S. Patent No. 5,970,469 A,

hereinafter "Scroggie"). To the extent that the rejection still applies, the rejection is respectfully traversed.

In making the rejection, the Office Action characterizes Lanzillo, Jr. as being identical with the presently claimed invention in terms of a feature of determining whether or not a direct mail was opened (browsed). The Applicant respectfully disagrees and therefore traverses. For example, it is submitted that Lanzillo, Jr. provides that a user has to respond by entering an input and sending an acknowledgement of opening of the mail. In contrast, the present invention clearly differs from the invention of Lanzillo, Jr. since the present invention automatically generates a reply to indicate that a user has browsed or opened a direct mail, without the need for the user to respond by entering an input. Hence, the Applicant respectfully submits that Lanzillo, Jr. in view of Scroggie fails to disclose or suggest at least the features of "when the sales promotion controlling device receives a reply that is automatically generated by the system once the customer browses the customer direct mail, and determines that the customer corresponding to the customer number is a direct mail browser, the sales promotion controlling device sets the sales price to a direct mail recipient browser price, stores it as transaction information, and causes the POS register terminal device to output a receipt," and "wherein when a reply that is automatically generated once the customer browses the customer direct mail is received, and when the customer corresponding to the customer number is a direct mail browser, the sales promotion controlling device sets the sales price to a direct mail recipient browser price, stores it as transaction information, and causes the POS

register terminal device to output a receipt,” as recited in the claims of the present application.

In order to establish a *prima facie* case of obviousness, each feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03 and *In re Royka*, 490 F.2d 981 (CCPA 1974). As explained above, Lanzillo, Jr. in view of Scroggie, taken alone or in combination, do not teach or suggest each feature recited by pending Claims 1, 9-14, and 17-20. Accordingly, for the above provided reasons, Applicants respectfully submit that pending Claims 1, 9-14, and 17-20 are not rendered obvious under 35 U.S.C. § 103 by Lanzillo Jr. in view of Scroggie, and therefore are allowable.

As claims 2-6 depend from claim 1, and claim 15 depends from claim 11, the Applicant submits that each of these claims incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claims, as well as for the additional subject matter recited therein.

The Applicant respectfully requests withdrawal of the rejection.


Conclusion

In view of the above, the Applicant respectfully submits that each of claims 1-6, 9-15 and 17-20 are allowable and request the prompt issuance of this application.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referring to client-matter number 101229-00000.

Respectfully submitted,



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